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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,584	08/03/2000	Masaki Seike	32857	9239

116 7590 06/13/2003  
PEARNE & GORDON LLP  
526 SUPERIOR AVENUE EAST  
SUITE 1200  
CLEVELAND, OH 44114-1484

EXAMINER
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HARRY, ANDREW T

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/630,584

**Applicant(s)**

SEIKE ET AL.

**Examiner**

Andrew T Harry

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-7,10,16,18 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,8,9,11-15,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2683

**DETAILED ACTION**

***Response to Amendment***

The Examiner acknowledges the receipt of Applicants Amendment filed May 5, 2003. In the Amendment claims 1-7 are amended and claims 8-20 are added.

The Examiner also acknowledges the declaration of foreign priority by the Applicant (Japan 8/5/99), however no priority documents are included in the file or have been received by the office.

The Examiner has also received and considered the IDS filed concurrently with the application as well as the IDS filed March 10, 2003. Both IDS have been initialed by the Examiner and are enclosed.

***Claim Rejections - 35 USC § 112***

The Applicant appears to have corrected all 35 USC § 112, second paragraph rejections asserted by the Examiner in the initial office action and these rejections are therefore withdrawn.

***Response to Arguments***

***Allowable Subject Matter***

Claims 3-7, 10, 16, 18 and 20 are allowed. The arguments, amendments and clarifications proposed in the Applicant's amendment put claims 3-7, 10, 16, 18, and 20 in a condition for allowance over the prior art made of record during the examination of this application.

Art Unit: 2683

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments with respect to claims 1, 8-9, 11-15, 17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-9, 11-15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selby* U.S. Patent 4,876,738 ("*Selby*") as applied to claim 1, and further in view of *Wells et al.* U.S. Patent 65,009,497 ("*Wells*").

As pertaining to **claims 1, 11-13, and 17, and 19**, *Selby* teaches a mobile communication terminal (see *Selby*, Figs. 1-2, and col. 5 line 30-col. 6 line 66) comprising:

- a receiver for receiving a wireless communication signal (see *Selby*, Figs. 2, item 2);
- a transmitter for transmitting a wireless communication signal (see *Selby*, Figs. 2, item 1);
- an information managing portion (see *Selby*, Fig. 2, and col. 10 lines 15-32); and
- a storage medium managed by the information managing portion and having a plurality of memory areas (or first and second areas) each for storing a value of an information item that is

Art Unit: 2683

regularly accessed (see *Selby*, Fig. 2, and col. 7 line 12-col. 8 line 67), wherein said information managing portion stores one value of the information item in one memory area at a first time and further wherein said information managing portion subsequently stores an updated value of the information item in a different memory area at a second time later than the first time such that the one value and the updated value are both concurrently stored in the nonvolatile storage medium for some period (see *Selby*, Fig. 2, and col. 7 line 12-col. 10 line 63); and

optionally storing additional values of the information item, each stored in a n additional memory area included in the plurality of memory areas at other times after the second time (see *Selby*, col. 7 line 21-col. 10 line 64);

further wherein said information managing portion provides the second (or latest) value which is an updated (most recent) value to the mobile communications terminal when a current value of the information item is requested by the mobile communications terminal (see *Selby* col. 7 lines 21-55).

However, *Selby* does not specifically disclose that, specifically, a nonvolatile memory to be used in his disclosure. *Wells* teaches a flash EEPROM memory array used for controlling processes run on a microprocessor used to control the operations of a long term memory such as the memory 14 illustrated in figure 1 which includes moving an update process stored in the EEPROM memory to a random access memory associated with the microprocessor; and then using the update process for erasing the contents of the EEPROM memory, and furnishing data to the microprocessor on a sector by sector basis from a host computer through an interface used by the microprocessor (see *Wells*, Figs. 1-2, and col. 3 line 5-col. 4 line 64, and col. 5 line 3-col. 6 line 65). It would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2683

invention to apply *Well's* method of updating flash memory to the mobile radio system of *Selby* in order to provide a wireless communication system capable of reducing time required for updating the positional-record and time information and area information.

As pertaining to **claims 8 and 14**, *Selby* teaches that the value of information stored may be time information (see *Selby*, col. 4 lines 21-37).

As pertaining to **claims 9 and 15**, *Selby* fails to mention the number of batteries present within his communications device. However, it would have been obvious to one of ordinary skill in the art at the time of the invention that a mobile communications device would only have one battery, as size and weight are major design factors in any mobile communications device. The implementation of only one battery would have made *Selby's* communications device similar to other similar single-battery communications devices available for use at the time of the invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**C. Shimizu U.S. Patent 6,510,316 teaches a wireless communication apparatus.**

D. Hasbun et al. U.S. Patent 5,937,434 teaches a method of managing a symmetrically blocked nonvolatile memory having bifurcated storage architecture.


Art Unit: 2683

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Harry whose telephone number is 703-305-4749. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ATH  
June 9, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600